

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JOHN STEVEN OLAUSEN,

Case No. 3:08-cv-00447-LRH-RAM

v.

Petitioner,

ORDER

E.K. McDANIEL, et al.,

Respondents.

14 On November 19, 2010, the court granted petitioner John Steven Olausen's
15 motion to reopen this case and dismissed this *pro se* petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2254 as successive (ECF No. 13). Judgment was entered
17 (ECF No. 15). Olausen filed a notice of appeal with the Ninth Circuit, and on October
18 21, 2011, that court denied his request for a certificate of appealability (ECF No. 19).

19 Four years later on November 20, 2015, Olausen filed a motion for recusal of
20 district judge (ECF No. 20). This motion is factually frivolous and utterly meritless. 28
21 U.S.C. § 2244(3)(A) provides: “[b]efore a second or successive application permitted by
22 this section is filed in the district court, the applicant shall move in the appropriate court
23 of appeals for an order authorizing the district court to consider the application.” At the
24 time that the court dismissed this petition as successive, it was Olausen’s sixth
25 successive petition filed without obtaining authorization of the Ninth Circuit (see ECF
26 No. 13; 3:05-cv-00631-LRH-RAM; 3:06-cv-00069-PMP-VPC; 3:06-cv-00257-LRH-VPC;
27 3:08-cv-00527-LRH-RAM; 3:10-cv-00388-LRH-RAM). It is beyond question that

1 Olausen's petition was correctly dismissed with prejudice as successive, and his motion
2 to recuse is denied.

3 **IT IS THEREFORE ORDERED** that petitioner's motion for recusal of district
4 judge (ECF No. 20) is **DENIED**.

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6 DATED this 16th day of August, 2016.
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9 LARRY R. HICKS
10 UNITED STATES DISTRICT JUDGE
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